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OFFICE OF PETITIONS

In re Patent No. 6,889,955 :
Issued: 10 May, 2005 :
Application No. 10/693,831 : **ON PETITION**
Filed: 24 October, 2003 :
Atty Docket No. SCHUNKE-3 :

This is a decision on the petition filed on 8 September, 2005, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **dismissed**.

Petitioners request that a Certificate of Correction be issued in the name of "RK Rose + Krieger GmbH & Co. KB Verbindungs- und Positioniersysteme.-" 37 CFR 3.81(a) permits the patent to issue to the assignee, provided that, at the time the issue fee is paid, the name of an assignee is provided. 37 CFR 3.81(b) permits the patent to issue in the name of an assignee if the assignment was submitted after payment of the issue fee but **prior to issuance of a patent**. U.S. Patent and Trademark Office assignment records disclose that an assignment in the name of the assignee listed above was recorded on 31 August, 2005, after the patent issued on 10 May, 2005. Accordingly, since there is no evidence that the assignment was submitted for recordation, if at all, until after issuance of this patent, issuance of a certificate of correction would not be proper.²

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be

¹ See Official Gazette of 22 June, 2004.

² See also MPEP 307.

corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The request under 37 CFR 3.81(b) was not accompanied by a request for a certificate of correction as required by 3.81(b). As petitioner has failed to comply with the provisions of 37 CFR 3.81(a), the request cannot be granted.

It is noted that petitioner submitted \$400.00 with the present petition. However, only a processing fee of \$130.00 and certificate of correction fee of \$100.00 are due. Additionally, since a Certificate of Correction is not in order, the fee submitted of \$400.00 will be credited to counsel's deposit account, No. 06-0502.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
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By FAX: (571) 273-8300
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Telephone inquires concerning this matter may be directed to the undersigned at 571.272.3231.



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